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AI 1 C/ 59. (New) The method of claim 54 wherein the tensioning of the
2 stretchable rear waist section effects deployment of a plurality of gasket elements for
3 inhibiting a longitudinal flow of human discharge along a body faceable surface of the
4 absorbent article.

REMARKS

This application has been reconsidered carefully in light of the Office Action dated as mailed on 12 December 2001. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

5 This response is timely filed as it is filed within the statutory period for response to the outstanding Office Action.

This response is also accompanied with a check and/or authorization to charge deposit account for any additional claim fee due as a result of this Amendment because the number of independent claims exceeds the number of independent claims
10 for which fees have previously been paid, the total number of claims exceeds the total number of claims for which fees have previously been paid, or both.

Revised Drawings

By the above, FIG. 10 has been revised to include lead lines for reference numeral 256.

Amendment to the Claims

By the above,

1. claims 1-27 have been canceled, and
2. claims 28-59 have been added to more fully and completely

claim the disclosed subject matter.

Newly added claims 28-59 find support throughout the original specification such as at page 5, line 6 through page 6, line 17; page 9, line 5 through page 25, line 17 and FIGS. 1-13.

Claims 28-59 remain in the application.

Assignment Document and Related Papers

The Action states that the Assignment document and related papers discussed in the transmittal papers are not of record in the case.

Enclosed please find a copy of an earlier received NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT, dated 13 December 1999. This

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Notice states the Assignment was recorded on 20 September 1999 on REEL/FRAME:
010261/0410.

In view thereof, the Examiner is requested to contact the undersigned
at the indicated phone number if further information is required by the Examiner
5 regarding the Assignment document and related papers.

Objections to the Drawings

Enclosed herewith are:

- a) a separate letter in accordance with MPEP 608.02(r), and
- 10 b) a sketch showing the change made to FIG. 10 to include lead
lines for reference numeral 256.

Further, the Notice of Draftsperson's Patent Drawing Review, PTO-948
has been noted. In the interest of appropriately advancing the application towards
issuance, formal drawings in accordance therewith and incorporating the
15 above-identified change to FIG. 10 are also submitted herewith.

Claims Objections

Originally filed claims 1-27 were objected to for various informalities.
By the above cancellation of claims 1-27, these grounds of objection have been
20 obviated.

Further, claims 28-59 newly submitted hereby have been carefully reviewed in an effort to avoid the occurrence of similar informalities therein. However, should the Examiner detect proper grounds for objecting to these new claims the Examiner is requested to so advise and corresponding corrective action can be taken.

Claims Rejection - 35 U.S.C. § 112

Claims 1-27 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the above cancellation of claims 1-27, these rejections have been obviated.

Further, claims 28-59 newly submitted hereby have been carefully reviewed and are believed to particularly point out and distinctly claim subject matter which applicant regards as the invention. However, should the Examiner detect proper grounds for rejecting these new claims for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the Examiner is requested to so advise and corresponding corrective action can be taken.

Claims Rejection - 35 U.S.C. § 102(b)

Claims 1-27 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,951,150 to Schaar (hereinafter "Schaar").

These rejections are obviated by the above cancellation of claims 1-27.

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Newly Added Claims

Newly added claims 28-59 are directed to absorbent articles and associated methods which are not believed to be shown or suggested by the prior art. For example, as detailed in the application (see application, page 2, line 7 through
10 page 4, line 20), conventional absorbent articles have not always been completely satisfactory as many diaper form conventional absorbent articles do not completely contain body exudates within the article during use thereby undesirably resulting in leakage such as may soil the clothes of the wearer. Such leakage problems have been particularly evident in the waist margins of the absorbent articles when runny or
15 watery fecal material has been excreted by the wearer during use. Typically, such runny or watery fecal material has been forced longitudinally outwards from the crotch of the article due to forces exerted by the wearer. Such leakage problems are magnified when the wearer is particularly active and may thus exert forces of relatively large magnitude on the crotch area of the article. Such leakage problems
20 may also, at least in part, occur as a result of the tendency of such excreted fecal

material to travel or otherwise be conveyed along or adjacent the skin of the wearer and thus not be sufficiently or adequately contained and controlled within a particular absorbent article.

Further, while some conventional absorbent articles have included
5 elasticized components and containment or barrier flaps at the waist sections of the article to reduce the occurrence of such leakages, such elasticized components and containment flaps generally have not completely eliminated all leakage from the waist sections of such associated articles. For example, exudates such as runny fecal material may remain on the skin of the wearer and be transferred therealong until such
10 time the exudate material may escape through small openings between the containment flaps and the body of the wearer. Such openings between the body of the wearer and the containment flaps may be created or caused due to either or both improper fit of the absorbent article about the wearer and the movements of the wearer during use. Also, perimeter tension of such absorbent articles may undesirably
15 create open voids in areas where the body of the wearer assumes a concave form, e.g., the area spanning the separation between the small of the back and the gluteal fold.

As a result, although the inclusion of waist elastics and containment flaps have generally improved the performance of such absorbent articles, there remains a need to further reduce either or both the number and magnitude of leaks

and, in particular, either or both the number and magnitude of leaks of fecal material from the waist sections of such absorbent articles.

In view thereof, the subject invention development is directed to absorbent articles and associated methods which incorporate and employ specifically constructed gasketing assemblies to inhibit a longitudinal flow of human discharge along a body faceable surface of the absorbent article.

For example, Claim 28 is an independent claim and is directed to an absorbent article adapted to fit about a waist of a wearer, including a rear waist of the wearer. The absorbent article has a longitudinal direction and a lateral direction. The absorbent article further includes front and rear waist sections with at least a first portion of the rear waist section formed of a stretchable material. The absorbent article also includes an intermediate section which includes an absorbent portion and which intermediate section interconnects the front and rear waist sections. The absorbent article still further includes a gasketing assembly including at least one gasket element having a face portion deployable toward the rear waist of the wearer. The gasketing assembly includes at least one thrust portion effective to deploy the gasket element face portion toward the rear waist of the wearer. The gasketing assembly is operatively joined with the stretchable material of the first portion of the rear waist section to mechanically deploy the at least one gasket element upon tensioning of the stretchable material to fill a volume occurring between the rear waist

section of the absorbent article and the rear waist of the wearer. The at least one gasket element is configured upon deployment to inhibit a longitudinal flow of human discharge along a body faceable surface of the absorbent article.

5 Claim 45 is an independent claim and is directed to an improvement in
a disposable absorbent article which defines a longitudinal direction with a
longitudinal centerline and a lateral direction and which absorbent article has a waist
section including a stretchable waist material adapted to fit about a waist of a wearer
and which wearer has a rear waist and a lower back. The improvement comprises a
gasketing assembly including at least one gasket element. The gasketing assembly
10 is operatively joined with the stretchable waist material about the longitudinal
centerline of the absorbent article to deploy the at least one gasket element against the
lower back of the wearer when the stretchable waist material is in a stretched
conditioned to fill a volume occurring between the waist section of the absorbent
article and the rear waist of the wearer and to form a containment volume, the
15 deployed at least one gasket element being effective to inhibit flow of matter between
the rear waist of the wearer and the waist material of the absorbent article.

Claim 54 is an independent claim and is directed to a method in an
absorbent article adapted to fit about a waist of a wearer, including a rear waist of the
wearer and which absorbent article has a longitudinal direction and a lateral direction
20 and includes a front waist section, a stretchable rear waist section, and an intermediate

section including an absorbent portion which interconnects the front and rear waist sections. The method involves tensioning the stretchable rear waist section to deploy a gasket element to fill a volume occurring between the rear waist section of the absorbent article and the rear waist of the wearer and thereby inhibit a longitudinal flow of human discharge along a body faceable surface of the absorbent article.

It is respectfully submitted that the prior art of record, including Schaar, fail to show or suggest such absorbent articles and associated methods. For example, Schaar fails to show or suggest absorbent articles adapted to fill a volume or cavity such as may occur between the rear waist section of the absorbent article and the rear waist of the wearer, as detailed in the application such as at page 3, lines 17-19, as well as methods associated therewith. In particular, as detailed in the application such as at page 16, line 19 through page 17, line 7-19, deployment of the gasket element in accordance with and in the manner of the invention adjacent the body of the wearer desirably serves to occupy or otherwise fill the volume normally occurring between the waist band of the absorbent article and the small of the back of the wearer and thus serves to reduce the potential for leakage from the absorbent article at such location. The invention provides an arrangement which utilizes perimeter tension, such as associated with either or both the placement and securing of an absorbent article about the waist of a wearer, to actuate or effect the desirable deployment and positioning of the gasket assembly element into desired or proper position such as may be effective

to reduce, minimize or avoid leakage from the associated absorbent article at the particular location thereof.

Newly added claims 29-44, claims 46-53 and claims 55-59 depend, directly or indirectly, on claim 28, 45 and 54, respectively and include various additional limitations which are believed to further patentably distinguish the claimed invention from the prior art.

For example, claims 31, 34 and 47 are each directed to absorbent articles wherein one or more thrust portions comprises a compression resistant member and claims 32 and 35 are each directed to absorbent articles wherein one or more compression resistant thrust portion members is or are encased in a soft covering.

The Action refers to Schaar column 4, lines 8-21 as showing or supporting an absorbent pad which inherently forms a compression resistant member and that sheets 28 and 32 in the diaper shown in Schaar form a casing. On review, however, Schaar column 4, lines 8-21 specifically refers to FIGS. 2-4 and the embodiment therein illustrated. As shown by Schaar FIGS. 2-4, the absorbent pad 36 does not extend into the end section 48 of the diaper 26. In view thereof such an absorbent pad clearly does not correspond to a gasketing assembly thrust portion compression resistant member of the present invention. Further, that Schaar may show an absorbent pad encased between a backing sheet 28 and a cover or top sheet

32, as shown in FIGS. 1 and 2 (see Schaar, column 3, lines 41-50, for example) in no way shows or suggests the claimed invention wherein one or more compression resistant thrust portion members is or are encased in a soft covering.

Claims 39, 41, 44, 48, 50, 53 and 59 are each directed to embodiments of the invention which incorporate a plurality of gasket elements. The Action refers to Schaar, FIG. 8 as showing a plurality of gasket element stating that "gap on each side is a gasket element." Even if it is assumed solely for the sake of argument that such "gaps" of the Schaar diaper correspond to gasket elements in the claimed invention, the gaps shown in Schaar FIG. 8 clearly fail to fill a volume occurring between the rear waist section of the absorbent article and the rear waist of the wearer, as required by or in independent claims 28, 45 and 52, for example.

Claims 40, 49 and 58 require that the absorbent article also include a bodyside liner wherein deployment of the gasket element directs the bodyside liner toward the waist of the wearer. Reference is made to FIGS. 7, 8 and 11 of the subject application and the corresponding description portions of the specification wherein inclusion of such a bodyside liner in addition to the gasket element and not as part of the gasket element is specifically shown and described.

Such absorbent article structures and methods are not shown or suggested by Schaar. While the Action refers to the bodyside liner being surface 28 of item 48 in Schaar, Schaar clearly identifies item 28 as being a fluid impervious

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backing sheet whereas item 32 is identified as a fluid pervious cover or top sheet (i.e., a bodyside liner). (See Schaar, column 3, lines 41-51, for example.)

In view of the above, such claims are believed to be further patentable over the prior art of record and notification to that effect is solicited.

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Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

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Respectfully submitted,



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